

9A 07

Attorney's Docket No.: 09744-006001

Client's Ref. No.: DITI 107

OFFICIAL COMMUNICATION

FACSIMILE

FOR THE PERSONAL ATTENTION OF:

EXAMINER DAVENPORT

GROUP 1654 FAX NO: (703) 308-4556

Number of pages including this page 4

FAX RECEIVED

JAN 26 2001

GROUP 1600

Applicant : Richard T. DEAN et al.
Serial No. : 08/236,402
Filed : May 2, 1994

Art Unit : 1654
Examiner : Davenport

OFFICIAL

Title : TECHNETIUM-99m LABELED IMAGING AGENTS

Commissioner for Patents
Washington, D.C. 20231

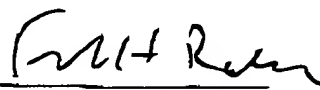
Sir:

Please deliver this letter to Examiner Davenport and a copy to Examiner Woodward.

Attached to this facsimile communication cover sheet is Letter Re Request for Interference, faxed this day of January 26, 2001, to Group 1654, the United States Patent and Trademark Office.

Respectfully submitted,

Date: January 26, 2001


Frederick H. Rabin
Reg. No. 24,488

Fish & Richardson P.C.
45 Rockefeller Plaza, Suite 2800
New York, NY 10111
Telephone: (212) 765-5070
Fax: (212) 258-2291
30039232.doc

NOTE: This facsimile is intended for the addressee only and may contain privileged or confidential information. If you have received this facsimile in error, please immediately call us collect at (212) 765-5070 to arrange for its return. Thank you.

Attorney's Doc. No.: 09744-006001 / DIT1 107

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Richard T. DEAN et al. Art Unit : 1654
Serial No.: 08/236,402 Examiner : A. Davenport
Filed : May 2, 1994
Title : TECHNETIUM-99M LABELED IMAGING AGENTS

Commissioner for Patents
Washington, D.C. 20231

LETTER RE REQUEST FOR INTERFERENCE

On 4 May 1999, Applicants filed papers under 37 C.F.R. § 1.607 requesting that an interference be declared between the above-indicated application and U.S. Patent No. 5,759,516. The filing of this request has been acknowledged by the Examiner and there have been subsequent correspondence, interviews and telephone discussions. Twenty (20) months have now passed, without a Declaration of Interference.

It appears that one of the matters holding up the Declaration of Interference is the inability of the Examiner to locate the official files of the prospective interfering patent and its patent applications. Concurrently with the request for provoking an interference in this application, applicants in application No. 08/889,212 are also seeking to provoke an interference with another patent which is co-assigned with the patent for which is an interference is sought in the instant case. Applicants' two applications are being handled by different examiners and it is quite possible that the reason that the Examiner in the instant application cannot find the required files is that they are in the custody of the

CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below to (703) 308-4556.

January 26, 2001
Date of Transmission


Signature

Frederick H. Rahin
Typed or Printed Name of Person Signing Certificate

Applicant : Richard T. DEAN et al.
Serial No. : 08/236,402
Filed : May 2, 1994
Page : 2

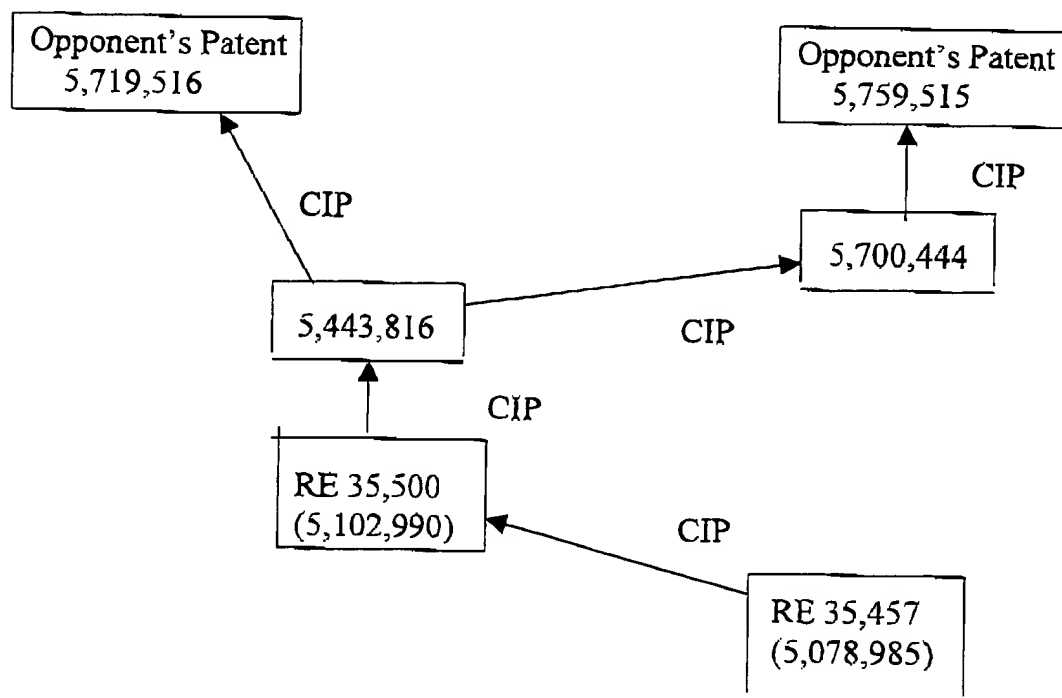
Attorney's Docket No.: 09744-006001 / DITI 107

Examiner in application No. 08/889,212. Although the interfering issued patents are different, they descend from common parent applications.*

Attached hereto is a "tree" showing the interfering patents and their various parent applications. All of the subject applications have matured into patents and, therefore, they are shown by patent number rather than application number.

For Appln. No.
08/236,402
Exr. A. Davenport

For Appln. No.
08/889,212
Exr. N. Minnifield



It is suggested that Examiner Davenport contact Examiner Minnifield who may possibly have the missing files. It is also possible that the files for U.S. Patent Nos. 5,443,816 is among the documents associated with terminated Interference no. 104,264.

* This statement should not be construed as an admission that the patentees in the interfering patents would be entitled to benefit of all of their respective parent applications.

Applicant : Richard T. DEAN et al.
Serial No. : 08/236,402
Filed : May 2, 1994
Page : 3

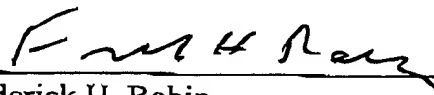
Attorney's Docket No.: 09744-006001 / DITI 107

The undersigned attorney has copies of U.S. Patents Nos. 5,443,816 and 5,759,516. If these files have been lost, we would be happy to send the PTO copies of our copies.

It is urgently requested that the Examiner or the interference specialist for this Technology Center contact the undersigned attorney in order to resolve this matter promptly.

Respectfully submitted,

Date: 26 Jan. 2001


Frederick H. Rabin
Reg. No. 24,488

Fish & Richardson P.C.
45 Rockefeller Plaza, Suite 2800
New York, NY 10111
Telephone: (212) 765-5070
Facsimile: (212) 258-2291

30039186.doc